

TEXAS COURT OF CRIMINAL APPEALS

PD-0636-19

FILED
COURT OF CRIMINAL APPEALS
12/11/2019
DEANA WILLIAMSON, CLERK

*Michael Anthony Hammack,
Appellant v.
State of Texas, Appellee*

**On Discretionary Review from the Sixth Court of Appeals
No. 06-18-00212-CR**

**On Appeal from the 354th Judicial District Court, Hunt County
No. 32,355CR**

Appellant's Motion to Extend Time to File Merits Brief

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Attorney for Appellant**

To the Honorable Judges of the Court of Criminal Appeals:

Appellant moves for an extension of time of 30 days, from the filing of this motion, due to extraordinary circumstances. The State's prosecuting attorney does not object to this motion.

1. On **May 30, 2019**, in *Hammack v. State*, No. 06-18-00212-CR, *Hammack v. State*, 06-18-00212-CR, 2019 WL 2292334 (Tex. App.—Texarkana May 30, 2019, no pet. h.)(not designated for publication), the Court of Appeals affirmed Appellant's conviction.
2. On **August 2, 2019**, the petition for discretionary review was filed.
3. On **November 6, 2019**, the petition for discretionary review was granted.
4. The Merits Brief was originally due **December 6, 2019**.
5. On **December 5, 2019** Appellant asked for a 30-day extension to file the Merits Brief as the undersigned attorney's 16-year old daughter was on life support at Cook Children's in Ft. Worth.
6. On **December 6, 2019** the Court granted an extension until December 23, 2019.
7. Appellant relies on the following extraordinary circumstances as good cause to request a 30-day extension: Though it had been hoped the undersigned attorney's daughter would recover after receiving treatment for a rare lung disease, the diagnosis and treatment came too late. She passed away Monday morning, December 9, 2019. Services will be held this Friday the 13th. The undersigned

attorney is asking for a 30-day extension from today's date, to make the brief due on January 11, 2020, so she may have time to grieve and make it through the Christmas holiday. She will return to work after the first of the year with this brief as a priority.

8. This Motion is not filed for purposes of delay, but so that justice may be served.

Prayer

Appellant prays that this Court grant this motion for an extension of time to file the merits brief.

Respectfully submitted,

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Certificate of Service

I certify that on December 11, 2019, a copy of this document was served on Hunt County District Attorney Nobie Walker by Texas efile to nwalker@huntcounty.net and on Stacey Soule, State Prosecuting Attorney, by Texas efile to stacey.soule@spa.texas.gov, and information@spa.texas.gov. *See* Tex. Rule App. Proc. 9.5 (2017) and Tex. Rule App. Proc. 68.11 (2017).

/s/ Jessica McDonald

Jessica McDonald